

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION**

## Kelly Dawsey,

**Plaintiff,**

**V.**

**Bayerische Motoren Werke  
Aktiengesellschaft and BMW  
Manufacturing Co., LLC collectively  
d/b/a “BMW Group”,**

**7:22-03738-TMC-KFM**

## Plaintiff's Unopposed Motion to File Documents Under Seal

Pending before the Court is BMW AG's 12(b)(2) Motion regarding personal jurisdiction. (DE 42). Plaintiff intends to use documents in response that Plaintiff possesses, and others that BMW Manufacturing has produced.

As for the documents Plaintiff possesses, the Undersigned has shared proposed exhibits with counsel for BMW Manufacturing. BMW Manufacturing has requested that three of them be treated as Confidential under the Confidentiality Order. [DE 23].

Given the procedural and preliminary nature of BMW AG's Motion, litigating the confidentiality status of documents is inefficient. As with most cases, the Undersigned anticipates that, when this case reaches the dispositive motion stage, the population of documents at issue will become clearer, and the parties' position on confidentiality will change (as they do in most cases).

Even if Plaintiff disputed BMW Manufacturing's designations, Plaintiff would be obligated to file the documents under seal. [DE 23 ¶ 6; Local Rule 5.03]. Disputing the designation at this early juncture would be wasteful. Admittedly, there is no reason at

this point why the public would have any interest in the specific contents of the documents at issue in this Motion. Accordingly, Plaintiff does not object at this point to any designation by BMW Manufacturing, and Plaintiff has no issue with BMW Manufacturing's requests regarding documents Plaintiff will be producing in discovery.

The documents subject to this Motion are as follows:

Plaintiff Exhibit	Description
Exh E to Pl. Decl.	Personnel document and handwritten notes of meeting between Plaintiff and C. Petrasch
Exh. F to Pl. Decl.	HR planning document
Exh. H to Pl. Decl.	HR planning document
BMW 231-47	Presentation referenced in Amended Complaint
BMW 426	Org chart with planning notes

Plaintiff respectfully submits that the above explanation addresses the factors in *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

The Undersigned has consulted with BMW Manufacturing, who consents to this Motion. For that reason, the Undersigned believes it is unnecessary to file the documents under seal at this point. The Undersigned will submit the documents under seal with the opposition to the Motion to Dismiss [DE 42]. The Undersigned will, of course, provide the documents at the Court's request.

Dated March 17, 2023.

s/ Brian P. Murphy

Brian P. Murphy, Fed. I.D. No. 64 ✱5  
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